

REMARKS

Claims 24-53 were pending in the application at the time of the Office Action. Claims 24-53 were rejected under 35 U.S.C. 103. By this response, Applicant has cancelled claims 39 and 45 with out prejudice or disclaimer¹, amended claims 24, 30, 34-35, 41-42, 46 and 53. As such, claims 24-38, 40-44 and 46-53 are presented for the Examiner's consideration in light of the following remarks. Reconsideration and allowance for the above-identified application are now respectfully requested.

A. Examiner Interview

Applicant(s) and applicant's attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on April 13, 2007. This response includes the substance of the Interview.

B. Rejections under 35 U.S.C. 103

Claims 24-27 and 53 were rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,205,527 to Goshey in view of U.S. Patent No. 5,835,953 to Ohran. Claims 28-52 were rejected under 35 U.S.C. 103(a) as being unpatentable by a combination of Goshey and Ohran as applied to claims 24-27 above, and further in view of U.S. Patent No. 6,434,681 to Armangau. Claims 39 and 45 have been cancelled and, as such, any obviousness rejection with respect to these claims is rendered moot.

As discussed in the interview, the independent claims 24, 35, 41, 46 and 53 were amended to clarify that the preservation memory or snapshot storage only stores data related to protected data blocks, and not of unprotected data blocks. This amendment finds basis in the specification at Paragraph 80 as follows, with emphasis added:

The embodiment illustrated in FIGS. 7A and 7B differs from the embodiment shown in FIG. 8A and 8B in that FIGS. 7A and 7B operate as if decision block 85 were not present in FIG. 4. Therefore, FIGS. 7A, and 7B portray an embodiment of the present invention that stores both protected and unprotected data blocks in snapshot memory, but provides only protected data blocks when data blocks are requested from the snapshot memory. In contrast, FIGS. 8A, and 8B depict an

¹ Applicant reserves the right to prosecute any cancelled claim in a subsequent divisional or continuation application.

embodiment of the present invention that stores only protected data blocks in snapshot storage, meaning that if a data block appears in snapshot storage it necessarily is a protected data block.

Neither the Goshey reference nor the Ohran reference teach that the preservation memory or snapshot storage can store data related only to the protected data blocks. The Armangau reference also lacks this teaching. Thus, each of the independent claims 24, 35, 41, 46 and 53 is allowable over the combination of the Goshey and Ohran and/or Armangau references. The Examiner agreed that the amendments made to the independent claims 24, 35, 41, 46 and 53 appear to distinguish over the combination of Goshey and Ohran and/or Armangau.

Dependent claims 25-34, 36-38, 40, 42-44 and 47-52 depend from independent claims 24, 35, 41, 46 and 53 and thus incorporate the limitations thereof. As such, Applicant respectfully submits that claims 25-34, 36-38, 40, 42-44 and 47-52 are distinguishable over the prior art for at least the same reasons discussed above with respect to claim 24, 35, 41, 46 and 53 and request that the obviousness rejection with respect to these claims be withdrawn.

C. Conclusion

In view of the foregoing, applicant respectfully requests the Examiner's consideration and allowance of claims 24-38, 40-44 and 46-53 as presented herein.

Applicant notes that this response does not discuss every reason why the presented claims are distinguished over the cited prior art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited prior art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited prior art.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 13th day of April, 2007.

Respectfully submitted,

/sara d. jones/ Registration # 47,691

SARA D. JONES

Registration No. 47,691

Attorney for Applicant

Customer No. 022913

SDJ:

KMB000000061V001